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SUBJECT: UNESCO BRIEFING ON THE NOVEMBER 2008 INTERNATIONAL  
CONFERENCE ON EDUCATION (ICE)

REF: PARIS 1172

¶1. Summary: On June 27, 2008, UNESCO briefed Member States on the organization of the November 2008 International Conference on Education (ICE) sponsored by UNESCO's Bureau of International Education (IBE) to be held in Geneva. The topic of this conference is "Inclusive Education: The Way of the Future". The Secretariat explained the need for more resources to fund the conference. It also explained that member states will elect the Conference President, Vice Presidents from each of the regional groups, and a Reporter of the ICE. In addition, regional groups must nominate representatives for the Conference's drafting committee.

¶2. Most important, comments made during the briefing clearly showed the danger that the ICE will be used to promote a new normative instrument on education. Belgian representatives stated their intention to bring their initiative for greater public regulation of private education (reftel) to the Conference. Statements from Norway, France, and others that the Conference outcome must have follow-up and real impact on UNESCO's education activities make it likely that the ICE's recommendations will be discussed at the October 2009 General Conference. That body has the ability to authorize a negotiation of a new normative instrument. End Summary.

¶3. Opening remarks made by Assistant Director-General for Education Nicholas Burnett referenced four international education conferences to be held over the next twelve months. In addition to the ICE, Burnett spoke about the Conference on the United Nations Decade of Education for Sustainable Development (DESD), to be held in Bonn, Germany, in March 2009, the UNESCO International Conference on Adult Education (CONFINTEA VI), to be held in Brazil in May 2009, and the World Conference on Higher Education, to be held in Paris in July 2009. He highlighted the fact that there exists important links among all four conferences. According to Burnett, inclusive education will be emphasized at each one, as well as sustainable development. Following Burnett's comments, Director of the IBE, Clementina Acedo, gave a presentation on the state of the preparations for the ICE. A question and answer period followed.

Francophone Belgian Initiative for Private Education Regulation

¶4. Comments made by Belgian representatives during the question and answer period revived US concerns regarding the campaign being led by the government of Belgium's French-speaking Community to push the issue of state regulation of private education. (reftel) The Belgian Ambassador to UNESCO, Philippe Kridelka, reaffirmed Belgium's support for state regulation of private education and indicated that Belgian representatives would be raising the issue at the ICE. In particular, the Minister of Education of the French-speaking Community of Belgium will be attending the ICE and taking part in a panel on public policy. The unspoken goal of the action planned by the Belgians may be to ensure that a recommendation on this issue is placed in the conference's final communiqu, with an eye to bringing about a discussion at the UNESCO General Conference in October 2009 for a possible normative instrument.

¶5. When making reference to the May 2008 international seminar entitled "The State as the Regulator of Education", (reftel) a non-UNESCO meeting sponsored by the Belgian Francophones but attended by U.S. Embassy Brussels, IBE representatives and other countries, Kridelka referred to it as a "preparatory meeting" of the same nature as the ten official ICE regional preparatory workshops.

More troubling, in responding to Kridelka's remarks, Acedo also referred to the Brussels meeting as a "preparatory meeting". (Comment: This is disturbing, because the outcomes of official workshops will bear directly upon what is discussed at the IBE conference in November. In addition to three regional preparatory conferences, such workshops have produced a number of conclusions that are to be integrated in an ICE reference document to be published in September 2008. Due to US discomfort with state regulation of private education (as it is envisioned by the Belgian Francophones and their supporters), the US is concerned that the Director of the IBE would place the Brussels meeting on equal footing with the official ICE workshops and conferences. This gesture could imply that conclusions drawn at this meeting ought to enjoy the same weight as that given to the outcomes of the UNESCO-sanctioned preparatory workshops and conferences. While the US cannot prevent the Belgians from raising the issue of state regulation of private education, the US should be able to ensure that any recommendations that came out of the May 23 Brussels meeting have no place in the forthcoming reference document. Discouragingly, Acedo did not make any specific mention of this fact. End Comment.) (Note: In a private conversation following the ICE information meeting, the US confirmed with UNESCO representatives that the Brussels meeting was indeed not an official ICE preparatory meeting and made it clear that any such reference is inaccurate.)

¶6. Another concern stems from the Belgians' avowed intention to seek a place on the ICE's drafting committee, the group responsible for drafting the communique that is agreed upon by all participants at the end of the conference and which includes broad policy recommendations. The designation of the drafting committee will take place on the opening day of the conference, along with the designation of the ICE bureau members. Specifically, the drafting committee is to be comprised of two representatives from each regional group while the bureau is to be comprised of one representative from each regional group. (Note: It has been decided already that the bureau's Chairperson is to come from an Arab State and the Reporter from a Latin American State.) Should Belgium procure a spot on the drafting committee, this will be an opportunity for the Belgian Francophones and their supporters to push their state regulation initiative and move to have the issue included in the final text of the communique. Our overarching concern is that, in doing so, the Belgian delegation may succeed in recommending that the issue of state regulation of private education be put on the larger UNESCO agenda, which could give momentum to bringing this issue up at the October 2009 UNESCO General Conference, the first step toward developing a new normative instrument (Comment: The U.S. should seek to procure a spot on the drafting committee as one of the two representatives from our regional group. End Comment.)

¶7. During the question and answer period, a number of delegations, including Canada, Norway and France, expressed concerns about what "tangible" or "concrete" outcomes will come out of the ICE. The ensuing discussion further demonstrated the potential for a broad consensus in favor of a new normative instrument. The Canadian delegation, which has also expressed opposition to the Belgian Francophones' agenda, specifically asked what the legal status of the documents produced by the ICE would be. In response, Acedo reminded the assembly that recommendations had been adopted at the 2001 and 2004 conferences, and that in 2004 these had simply taken the form of "messages to the world". The final forms of the texts that are to come out of the upcoming ICE were to be discussed in greater depth by the IBE. The Norwegians asked how the eventual results of the ICE might feed into the next C4/C5 budget framework, as well as into the Education for All (EFA) and South-South cooperation initiatives. Both Norwegian and French delegations seemed eager for a document that entailed specific "actions" or "outputs", with the French going as far as to say: "We need texts that lead to actions." The French delegation's comments generally implied that the central outcome of the ICE ought to be a final text that demonstrates linkages between the work of the conference's four main workshops and the work of the drafting committee. Nick Burnett expressed sympathy for the views expressed above, agreeing that the ICE ought to produce concrete outcomes that entail a certain measure of accountability and that feed into UNESCO's broader mission. He spoke in a general manner of the need to find a "mechanism" by which one might integrate the outcomes of the ICE into the General

Conference's discussions as well as into the regular UNESCO budget.

#### Strategy for Countering the Francophone Belgian Initiative

¶18. The USG's position regarding the ICE's endorsement of a new normative instrument on the right to education should ultimately be governed more by the substantive intent, wording, and scope embodied in such an instrument than by its title or the form it takes (i.e., a "convention" versus a "recommendation" versus a "declaration" or "charter"). The U.S. would of course prefer to see no follow-on UNESCO normative instrument result from this meeting. However, we realize that we cannot discount the possibility of such an initiative emerging from the conference. If this occurs, then in the hierarchy of UNESCO normative instruments (judged in terms of descending acceptability for the U.S.), a declaration would be the least objectionable; a recommendation, more objectionable; and a convention the most objectionable. As UNESCO documents go, a declaration is largely hortatory; a recommendation politically, but not legally, binding on all UNESCO Member States; and a convention, legally binding but only on those Member States that ratify it.

¶19. This breakdown of instrument types at UNESCO has potential implications for U.S. negotiating strategy during the ICE conference, particularly if the Conference proposes that UNESCO adopt a new "normative" instrument to address the issue of state regulation of private education. In that event, we should try our best to steer the debate towards adoption of either a declaration or recommendation, and avoid if at all possible a conference decision that mandates a legally binding normative instrument (e.g., convention, treaty, or international agreement). If, despite our best efforts, the ICE conference decides to urge UNESCO to create a new, legally binding instrument on education, a potential fallback strategy might be to try to steer UNESCO towards adopting a "protocol" to the 1960 UNESCO Convention Against Discrimination in Education rather than adopting an entirely new stand-alone convention. A stand-alone convention would be more likely lead to an open-ended endorsement of dangerous, new educational norms, and accompanying legal rights, that extend far beyond the finite scope of the 1960 Convention, which prohibits discrimination in education. The benefit of a protocol is that, as a subsidiary companion instrument to the 1960 Convention, it could afford us a greater chance to remain within the existing scope of that Convention and still address the main theme of the ICE Conference, i.e., "inclusive education" for those in society who are currently excluded from the protections of the 1960 Convention.

#### Education and Food

¶10. The Malaysian Ambassador brought up the issue of rising oil prices and the fact that the budgets of national governments in certain developing countries are being increasingly channeled towards paying for oil subsidies and thus leaving less and less money for allocations to the education sector. Certain developing countries, he pointed out, are currently facing a situation where in the ICE ideal of a more inclusive educational system is inherently at odds with the reality of their national financial situation. He concluded his remarks by asking if the conference would be addressing this problem. In his response, Burnett acknowledged the gravity of the problem described by the Malaysian Ambassador and, then, went on to bring up the threat also posed to developing countries by rising food prices, lamenting the fact that both the oil and food crises impact the amount of funds that a given family has available for a child's schooling. Though admitting that he was unsure how to best deal with such problems, Burnett acknowledged that they needed to be addressed. It was unclear what Burnett meant by this, but his comment was troubling and could lead to more involvement by UNESCO in international agricultural and energy issues. (Note: The Director General held an information meeting for the upcoming Executive Board on July 18 and both the Ambassadors from Brazil and Malaysia raised the need for UNESCO to address the issue of food and energy for the same reasons cited above. The Director General's response was that other UN agencies address these issues. End Note.)

#### Funding the ICE Conference

¶11. The final major issue raised at the ICE information meeting was the fact that the ICE faces a considerable funding gap. The Swiss

delegation announced that it would make an additional donation of USD 100,000 towards the ICE budget, a donation that follows their original voluntary contribution of 100,000 CHF. Even with this donation, USD 572,000 remains to be mobilized before November in order to meet the USD 2,172,000 budget envisioned. The Secretariat appealed to Member States for funds but admitted, in a response to the Indonesian Ambassador, that relatively little has been done to engage the private sector to help fund the ICE. At the moment, the private sector has only been solicited for the funding of an exhibition to be on display during the four-day conference. Acedo said, however, that she was confident that the private sector would soon be involved to a greater extent and, moreover, that private sector contributors would be recognized for their involvement. Both the Indonesian and Afghani delegations made a point of displaying their support for greater private sector involvement.

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